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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,431	07/29/2003	Robert Mark Magid	SVL920030039US1	5958
55436	7590	11/02/2006	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92019			PHAM, CHRYSTINE	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,431	<b>Applicant(s)</b> MAGID, ROBERT MARK	
	<b>Examiner</b> Chrystine Pham	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/29/2003; 03/03/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to application 10/629431 filed on July 29, 2003. Claims 1-30 are presented for examination.

#### ***Claim Objections***

Claims 1-30 are objected to because of the following informalities: The term "IMS" should be spelled out at least once in the first independent claim (i.e., claim 1), as its intended meaning is likely to be changed over time. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### **Claim 1**

Claim recites the limitation "the IMS system server" in line 5. There is insufficient antecedent basis for this limitation in the claim.

#### **Claims 2-10**

Claims are also rejected for being claims depending on rejected base claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11-14, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortin (US 5528753 A) in view of Baer et al. (US 6035303 A, "Baer").

**Claim 1**

Fortin teaches a method for intercepting user exit interfaces in programs (see at least 718, 720, 722, 724 FIG.7 & associated text; 212 FIG.3 & associated text), comprising: installing a program library at a user computer as the first library in an program library concatenation, the program library including an interception routine (see at least 504 FIG.5 & associated text; 606 FIG.6A & associated text; *target routine, routine library, Exit Routine 212 col.4:17-65; instrumentation library 504, exit routines col.5:20-30*); dynamically loading an interface routine (see at least 506 FIG.5 & associated text; 702, 704 FIG.7 & associated text; *target routine, routine library, exit points, Exit Routine 212 col.4:17-65*); and wherein the interception routine communicates with the interface routine to resolve name ambiguity and enable simultaneous use of a single exit (see at least 706, 720, 722 FIG.7 & associated text; *appropriate common user specific exit routines, demultiplexor, single exit routine, available routines col.5:45-60; col.6:19-67*).

Fortin does not expressly disclose said programs as IMS programs and said server as IMS server. However, Baer teaches storing routines in a IMS program library (see at least 110, 140 FIG.1 & associated text; 210-270 FIG.2 & associated text; *information management system, digitized data, functions, procedures, distributed objects, library server 110, library catalog 140 col.1:10-67*) and loading the interface routine at the IMS server wherein the interface routine communicates with the other routines in the library to resolve name ambiguity and enable simultaneous use of a single exit by plural users (see at least *API functions, digital library, mapping, table name, column name col.4:28-col.5:40*; FIG.3C & associated text; 130, 131 FIG.1 & associated text). Fortin and Baer are analogous art because they are both directed to storing routines in program library which is accessible to calling routines at runtime. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Baer into that of Fortin for the inclusion of IMS programs and IMS server. And the motivation for doing so would have been to make access of library objects (i.e., common exit routines) available to multiple users as well as allowing the users to store and retrieve said objects (see at least Baer *distributed objects, information management system, digitized data col.1:10-3:15*).

## Claim 2

The rejection of base claim 1 is incorporated. Fortin as modified by Baer further teaches passing control from an IMS program at the IMS system server to the interface

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routine (see at least col.5:45-60; col.6:19-67).

### Claim 3

The rejection of base claim 2 is incorporated. Fortin as modified by Baer further teaches receiving (i.e., passing) control at the interception (i.e., exit) routine from the IMS program (see at least col.5:45-60; col.6:19-67).

### Claim 4

The rejection of base claim 3 is incorporated. Fortin further teaches establishing the interception routine as a user exit routine (see at least *target routine, routine library, Exit Routine 212* col.4:17-65).

### Claim 11

Claim recites a system version of the method addressed in claim 1, therefore, is rejected for the same reasons as cited in claim 1.

### Claims 12-14, 21-24

Claims recite limitations, which have been addressed in claims 1-4, therefore, are rejected for the same reasons as cited in claims 1-4.

Claims 5-10, 15-20, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortin in view of Baer further in view of Chan et al. (US 6460178 B1, "Chan").

#### Claim 5

The rejection of base claim 4 is incorporated. Fortin and Baer do not expressly disclose obtaining the name of each library in an IMS program library concatenation at the interception routine. However, Chan teaches obtaining the name of each library in a program library concatenation at the interception routine (see at least FIG.4A & associated text; *existing programs, name of library 401, shadow libraries 412, 413* col.10:13-30). Chan and Fortin are analogous art because they are both directed to maintaining program library containing routines. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Chan into that of Fortin for the inclusion of obtaining the name of each library. And the motivation for doing so would have been to enable the addition of new libraries by the same names (for the purpose of code instrumentation and optimization) without modifying external applications (i.e., programs and code) that rely on said libraries (see at least Chan col.10:13-55).

#### Claim 6

The rejection of base claim 5 is incorporated. Chan further teaches dynamically allocating each library in the IMS program library concatenation as a separately accessible file at the interception routine (see at least FIG.4B & associated text).

Claims 15-16, 25-26

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Claims recite limitations, which have been addressed in claims 5-6, therefore, are rejected for the same reasons as cited in claims 5-6.

#### Claim 7

The rejection of base claim 6 is incorporated. Fortin further teaches determining of any of the libraries includes a load module with the same name as the interface routine; and flagging a first block of a matching load module as a "candidate user-exit." (see at least FIG.3 & associated text; FIG.7 & associated text).

#### Claim 8

The rejection of base claim 7 is incorporated. Fortin further teaches comparing a "candidate user-exit" load module to a predetermined interception routine "eye-catcher"; and treating a non-matching "candidate user-exit" load module as a user exit routine (see at least FIG.3 & associated text; FIG.7 & associated text).

#### Claims 9-10, 17-20, 27-30

Claims recite limitations, which have been addressed in claims 1-8, therefore, are rejected for the same reasons as cited in claims 1-8.

### ***Conclusion***




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP  
October 23, 2006



**TUAN DAM**  
SUPERVISORY PATENT EXAMINER